THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.16673 of 2007

ORAL ORDER:

This writ petition is filed seeking Certiorari to call for the records relating to and connected with proceedings No.IDC/MD/EE/Admn./ASOI/ Prom/DPC-2/639 dated 11.5.2007 of the first respondent and to quash the same as arbitrary and illegal and consequently direct the respondents to promote the petitioners who are fully qualified and eligible in accordance with rules, in the place of unqualified Respondents 2 to 6 by duly following seniority in the cadre of Record Assistant (feeder category) forthwith.

It appears, petitioners are working as Record Assistants in the First Respondent Corporation. According to the petitioners, respondents 2 to 6 have been promoted as Junior Section Officers vide impugned proceedings dated 11.5.2007 though they are far juniors to the petitioners and they are not from the feeder category for being promoted to the post of Junior Section Officers.

There is no necessity of going into all the details.

First respondent filed counter affidavit, though denied the allegations made by the petitioner, para 11 of the said counter, stated that the Corporation prescribed the academic qualification of graduation for the post of Junior Section Officer initially but subsequently the qualification of Typewriting (lower) was added to meet the changing needs of the organization. Therefore, while the graduation in any discipline is the pre-requisite qualification for the post of Junior Section Officer, Typewriting (lower) is a preferential qualification. Since the date of passing the basic educational qualification is taken into consideration for the purpose of preparing

the panel of candidates for the post of Junior Section Officer, the unofficial respondents, who passed the said qualifications prior to the petitioners, are empanelled above the petitioners. Therefore, the procedure adopted by the Departmental Promotion Committee in this regard is neither violative of any rules or regulations nor it is said to be irregular. In view of the same, the impugned order passed is perfectly valid.

This itself would indicate that the procedure adopted by the first respondent in promoting the respondents 2 to 6 as taking passing date of production for the purpose of seniority and empanelment. This is nothing but atrocious. One may obtain first and other may obtain later, but they are appointed into service their date of appointment will be taken into consideration for the purpose of seniority and not the date of which he has obtained the basic educational qualification. Further, insofar as petitioners are concerned, they have already in possession of Typewriting (lower) grade certificate, whereas the respondents were not having lower grade Typewriting certificate, they were given relaxation and appointed on condition that they should obtain the same within one year period. This is atrocious and required to be condemned unequivocally. The date of obtaining educational qualification is not the criteria. The date on which the promotions are being considered whether on the day one is in possession of qualification is the criteria. Therefore, I am of the opinion that the novel method adopted by the respondent Corporation does not stand the scrutiny of law, therefore, the impugned order is liable to be set aside and accordingly set aside. The first respondent is directed to prepare a seniority list, as per law, and consideration promotion of petitioners as well as unofficial respondents after calling objections from the petitioners. This exercise shall be completed within a period

of six (6) weeks from the date of receipt of a copy of this order. Till such time, status quo as on today as to the status of the petitioners as well as respondents shall continue.

The writ petition is accordingly allowed. No order as to costs.

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C.V.RAMULU, J

Date: 23.11.2007
DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.16673 of 2007

23.11.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.16673 of 2007

Date: 23rd November, 2007

Between:

M.P.Umadevi & others.

.. Petitioners

And

The Vice Chairman and Managing Director,
A.P. State Irrigation Corporation (SPSIDC),
Hyderabad & others.

.. Respondents